

REMARKS

As a preliminary matter, Applicant traverses the outstanding Office Action in its entirety as still being non-responsive. The Examiner has not met the burden placed on him by Section 707.07(f) of the MPEP, as previously discussed. Accordingly, because the Examiner has merely repeated the previous grounds for rejecting the claims, all of the prior arguments traversing these rejections are incorporated by reference herein. In particular, the Examiner has failed to justify his continued reliance on the Benes reference (U.S. 4,817,430), even after Applicant has repeatedly demonstrated on the record how Benes teaches away from the present invention, and therefore could not form the basis of an obviousness rejection based on a combination of references.

Claims 1, 4-8, and 11-13, again stand rejected under 35 U.S.C. 103(a) as being unpatentable under the Admitted Prior Art in view of the Horn reference and Benes, and claims 2-3 and 9-10 again stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior Art, Horn, and Benes, and further in view of Inao and the Gibilisco reference. Applicant again respectfully traverses this rejection for at least the reasons of record.

Applicant has demonstrated how Benes in particular teaches away from the present invention, and Applicant has meritoriously argued how the Examiner has not established where the desirability of the Examiner's proposed combination of references is taught, as required by Section 2143.01 of the MPEP. Section 2143.01 expressly states that the mere possibility alone, that references *can* be combined, is not a sufficient basis

upon which to base an obviousness objection. The references themselves must teach the actual desirability of the combination, and as the combination is proposed by the Examiner. The Examiner has neither met this burden, nor sufficiently answered the arguments pointing out this deficiency in the rejections.

Additionally, although the claims should be in immediate condition for allowance for a least the reasons discussed above, in an effort to expedite the prosecution only, Applicant has further amended the independent claims herein. Specifically, Applicant has amended the claims to further clarify that the filter of the present invention is a crystal filter, and that it is equal to an AT-cut crystal piece in cutting angle. These clarifications even further distinguish the present invention over any and all of the cited prior art references. The present invention is different in both its object and its configuration from the prior art.

Specifically, none of the prior art references, alone or in combination, teach or suggest these clarified features of the present invention. These features also further emphasize all of the differences between the present invention and the prior art that has been previously argued, and not sufficiently answered by the Examiner. By comparing the crystal filter characteristics of the present invention to the cutting angle of the crystal piece, one skilled in the art would understand that the filter of the present invention would also demonstrate similar frequency-temperature characteristics as that of the crystal vibrator of the crystal oscillator. None of the prior art references of record could

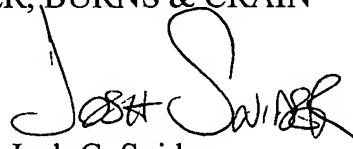
realize similar advantages. Support for these amendments can be found at least at pages 2 and 9 of the present Specification.

For all of the foregoing reasons, Applicants submit that this Application, including claims 1-13, is in condition for allowance, which is again respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would further expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN

By

A handwritten signature in black ink, appearing to read "Josh C. Snider", with a stylized flourish at the end.

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